

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

February 12, 2004

SUBJECT: Use Permit Application
USE2003-00670

Applicant: Federal Realty Investment
Trust/City of Rockville/RD
Rockville, LLC

Owner: Federal Realty Investment
Trust and City of
Rockville

Date Filed: 11/06/03

Location: Area bounded by East
Middle Lane, North
Washington Street, Beall Avenue, and Hungerford Drive/Rockville Pike



REQUEST:

- The applicant requests approval of a Use Permit that covers the proposed public improvements associated with the Rockville Town Square project. This is a mixed-use project including retail, multi-family residential, new streets, and a public plaza.

PREVIOUS RELATED ACTIONS:

Preliminary Development Plan PDP2003-00005 was approved by the Planning Commission on August 6, 2003.

BACKGROUND

On August 6, 2003, the Planning Commission approved Preliminary Development Plan (PDP) application PDP2003-00005 for the Rockville Town Square project. This approval covers the development generally referred to as the Town Square, and is a joint project of the City, Federal Realty Investment Trust (FRIT) and RD Rockville, LLC. The PDP provides a conceptual blueprint for the scope of the proposed development, covering items such as maximum densities, building heights and envelopes, and the proposed development mix. A number of conditions were attached to the development approval, which are shown in the PDP approval letter (Attachment 1).

In early November, on behalf of the City, Federal Realty Investment Trust (FRIT) submitted Use Permit application USE 2003-00670 for the public improvements required for the Town Square project. This was followed in early December by the filing of Use Permit applications USE2003-00671 through 674 for Blocks 1&2, 3B, 4 and 5 by RD Rockville, LLC. Together, the

use permit applications provide the final step prior to the issuance of building permits, and thus must address any outstanding issues that have been raised during the course of the review process.

Section 25-681 requires the Mayor and Council to act on a use permit for properties in the Town Center that are either owned by the City or have been sold by the City. The Planning Commission has traditionally reviewed and commented on a use permit prior to action by the Mayor and Council. Due to the complexity of these cases, the Planning Commission and the Mayor and Council will hold joint meetings to hear each other's comments. The first meeting on January 29, 2004 provided an overview of the applications. At the February 18 meeting the Planning Commission will make formal recommendation to the Mayor and Council and the Mayor and Council will take action on the public improvements permit. The schedule is summarized in the following section.

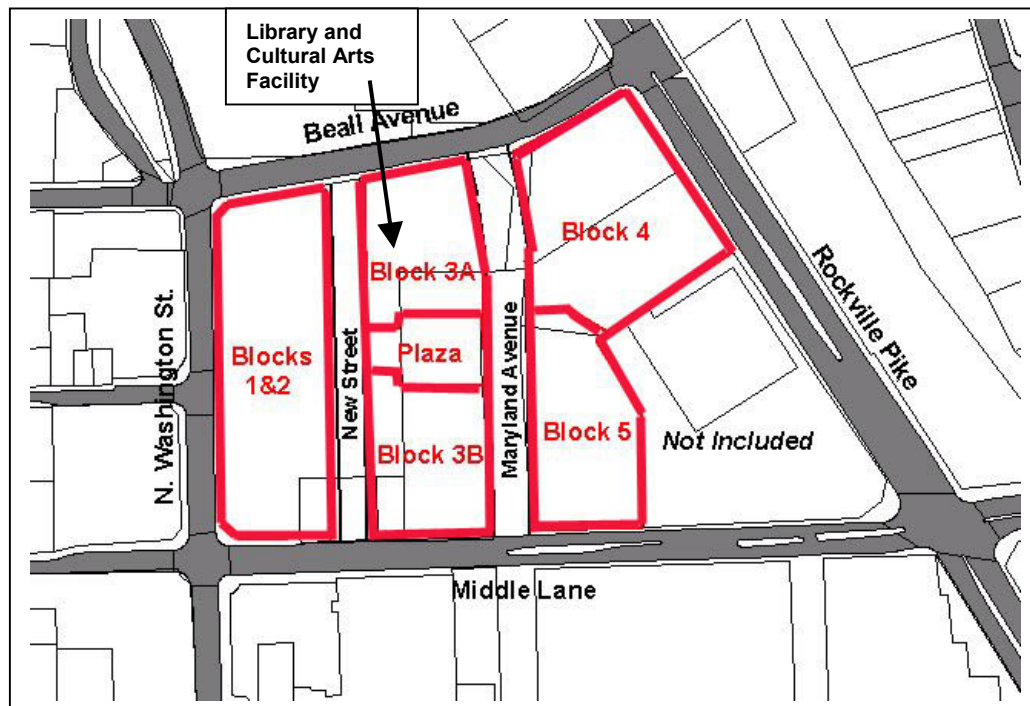
SCHEDULE

1. Joint worksession on January 29, 2004 to provide the Mayor and Council and the Planning Commission an overview of all of the pending permits and identify the issues that will need to be resolved or made conditions of approval.
2. Joint meeting on February 18 to provide additional detail on Blocks 3B and 5. The Planning Commission will make a recommendation and the Mayor and Council will approve the Use Permit for the Public Improvements.
3. Joint meeting on March 3 to provide additional detail on Blocks 1&2, and 4. The Planning Commission will make a recommendation and the Mayor and Council will approve the Use Permits for the private improvements for Blocks 1&2, 3B, 4 and 5.

PROJECT OVERVIEW

The PDP approval set the general size and character of the proposed development. The Use Permits must conform to the requirements of the PDP approval. The approved PDP allows for the following development:

Retail Commercial:	184,563 gross square feet
Multi-family residential:	777 dwelling units (including MPDU's)
Public Library:	102,522 gross square feet
Cultural Arts Facility:	25,900 gross square feet
Maximum building height:	5 stories or 75 feet



The combined total development proposed by the submitted Use Permit applications is as follows:

Retail Commercial:	172,819 gross square feet
Multi-family Residential:	620 dwelling units (including MPDU's)
Maximum building height:	6 stories or 75 feet

Development Summary by Block				
Block	Retail (sq. ft.)	Residences	Parking Spaces	
			Residential	Public
1/2	72,800	224	291	226
3B	43,780	140	252	0
4	20,948	108	242	635
5	35,291	148	165	108
Total	172,819	620	950	969

As can be seen, the Use Permit applications propose reductions in the amount of development compared to the PDP approval. The reductions are 157 dwelling units and 11,744 square feet of retail space, which assigned to the Cultural Arts building and not included in these applications. The design of the Town Square project seeks to create a mixed-use neighborhood that appears to have been developed over time rather than as a single project. As such, the public improvements are proposed to vary in some respects from the norm. In particular, the new street (generally referred to as "Market Street"), displays a unique design that is not "standard", but instead

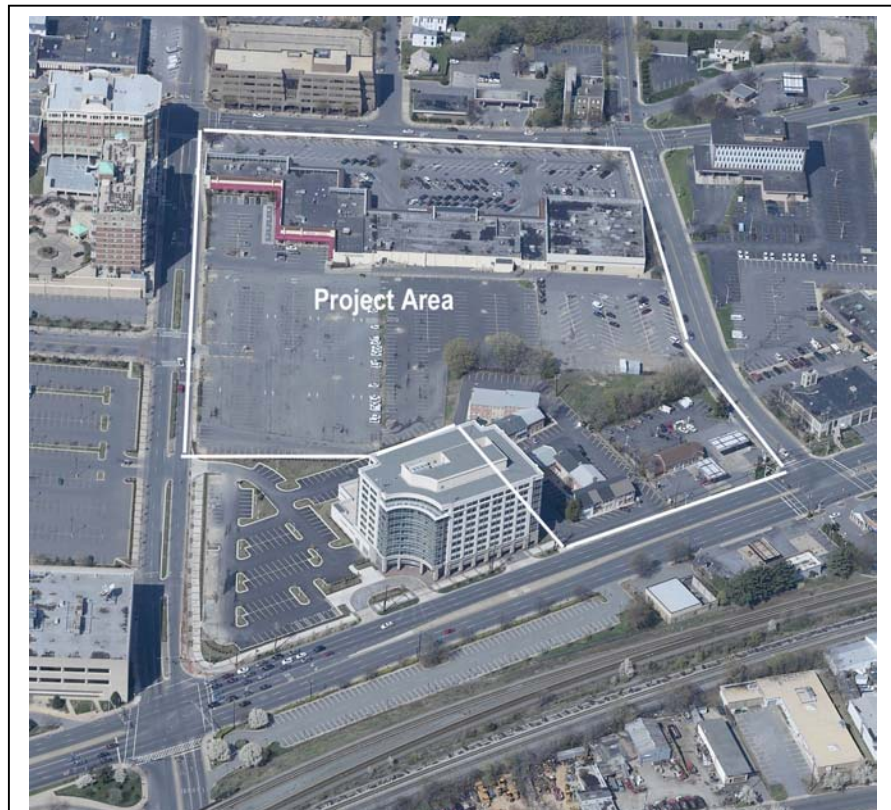
reflects the character of the neighborhood as a pedestrian-oriented shopping district. Also included in the Public Improvements Use Permit are the design for the public plaza as well as streetscaping elements.

A Commercial Management District is being created that will specify the maintenance responsibilities for the private developers as regards sidewalks, street tree maintenance, plaza maintenance, and other possible factors.

ANALYSIS

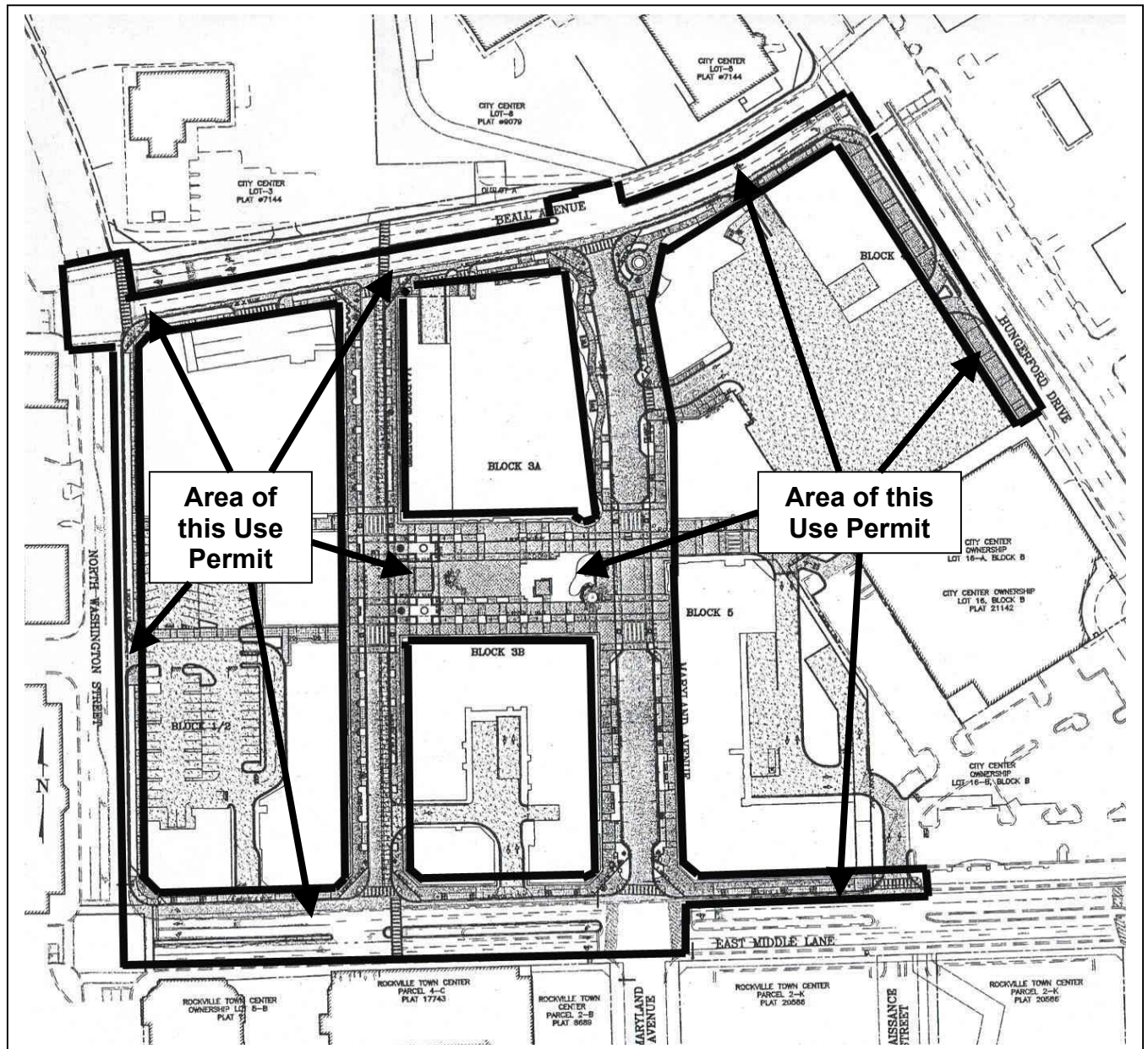
This application covers those improvements that will be constructed by the applicant and accessible to the general public. These include the following: Construction of the extension of Maryland Avenue from Middle Lane to Beall Avenue; the construction of the new street connecting Middle Lane and Beall Avenue in the area between the extension of Maryland Avenue and North Washington Street; improvements to Middle Lane; improvements to North Washington Street; construction of a public plaza between the new public library and Block 3B, improvements to Beall

Avenue, associated streetscaping, and public utilities. Also included in this application are the varieties of trees that will be planted throughout the project. Note that up to 43 parking spaces are being shown on the streets, in addition to the spaces being provided in the various block garages. Some of these will be “flex” spaces, as detailed later in this report.



Oblique aerial photo of project site, looking west from Metro.

Areas Covered by USE2003-00670



Within the Town Plaza, the applicants propose a small grove of trees near the west end, subject to staff agreement on species. Several Willow Oaks will also line the north side of the plaza in front of the library. Two permanent kiosks are proposed near the west end, flanking the pavilion area. Also proposed is the placement of a “signature” tree near the east end of the plaza. The applicant has identified a 12-inch caliper River Beech for this location, subject to staff inspection of the tree. One thing to note is that the larger the tree caliper, the longer it takes for the tree to recover from transplant shock and begin to thrive again. This requires a longer than normal

initial maintenance period. However the larger street trees create an immediate presence and a more attractive streetscape.

Each of the streets will be described separately in the following section. Details on sidewalk widths and outdoor seating areas are summarized below.

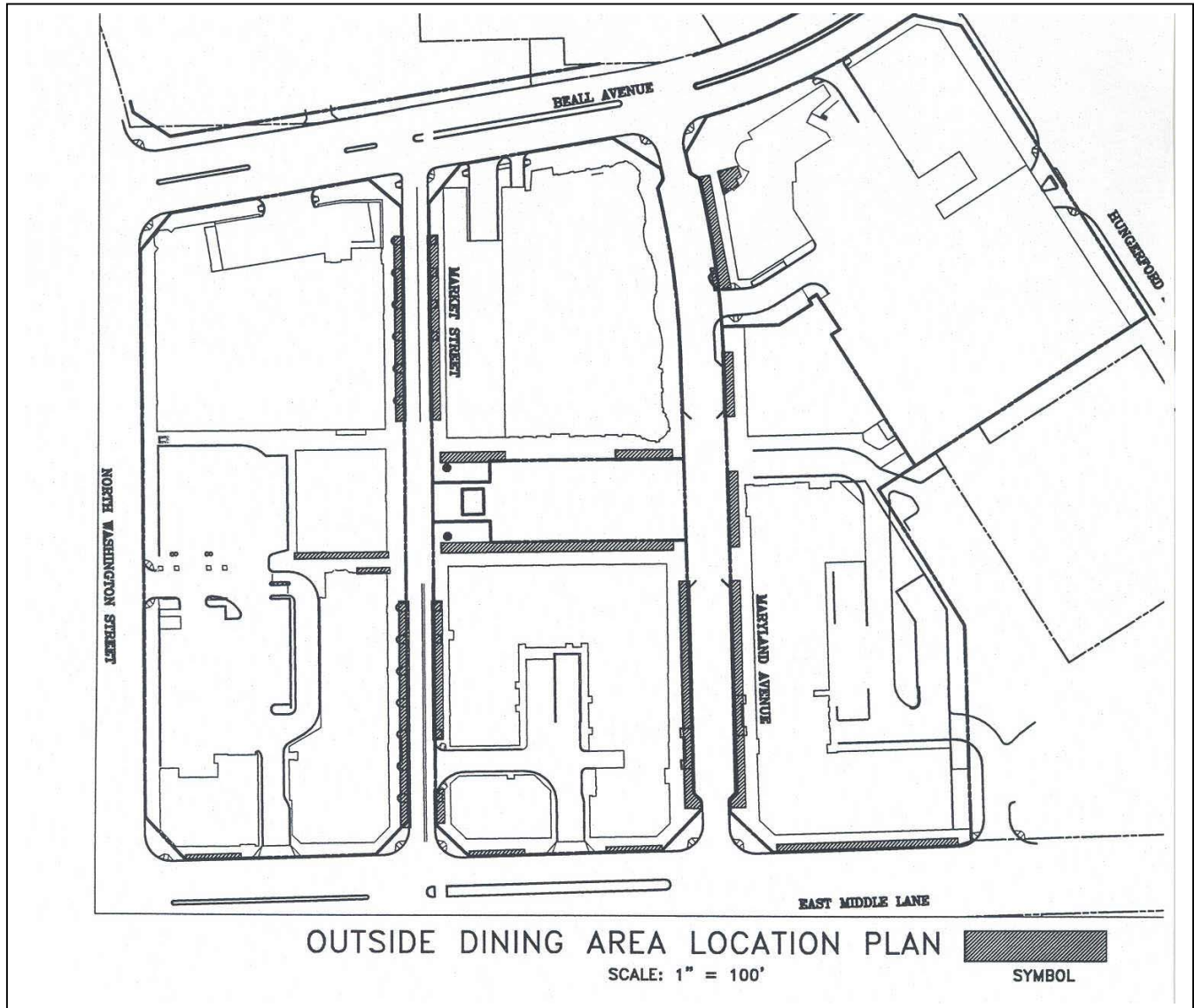
Sidewalks and Pedestrian Areas, General

In the Town Center Guidelines the streetscape areas are recommended to be a total of 15 feet wide—6 to 8 feet of sidewalk area and 7 feet of tree pits covered with grates or landscaping and an amenity zone which will also be pedestrian-usable. North Washington Street and Rt. 355 will have continuous 7-foot tree lawns. This 7-foot area may be used for outdoor dining, and will also accommodate street furniture and public infrastructure (parking meters, traffic signs, etc.). As noted previously, most of the trees are to be planted in pits with 7-foot x 7-foot openings that are continuous beneath the sidewalk surface. In some instances, especially along the west side of “Market Street”, the cantilevered sidewalk may not be feasible.

There is also proposed a two-foot wide storefront expansion zone along the face of the buildings. This area can be used for display windows, bays, or other extensions of the building face to suit the tenant. There can be no use of this expansion zone in those areas where it would reduce the useable pedestrian area below the minimum of 6 feet.

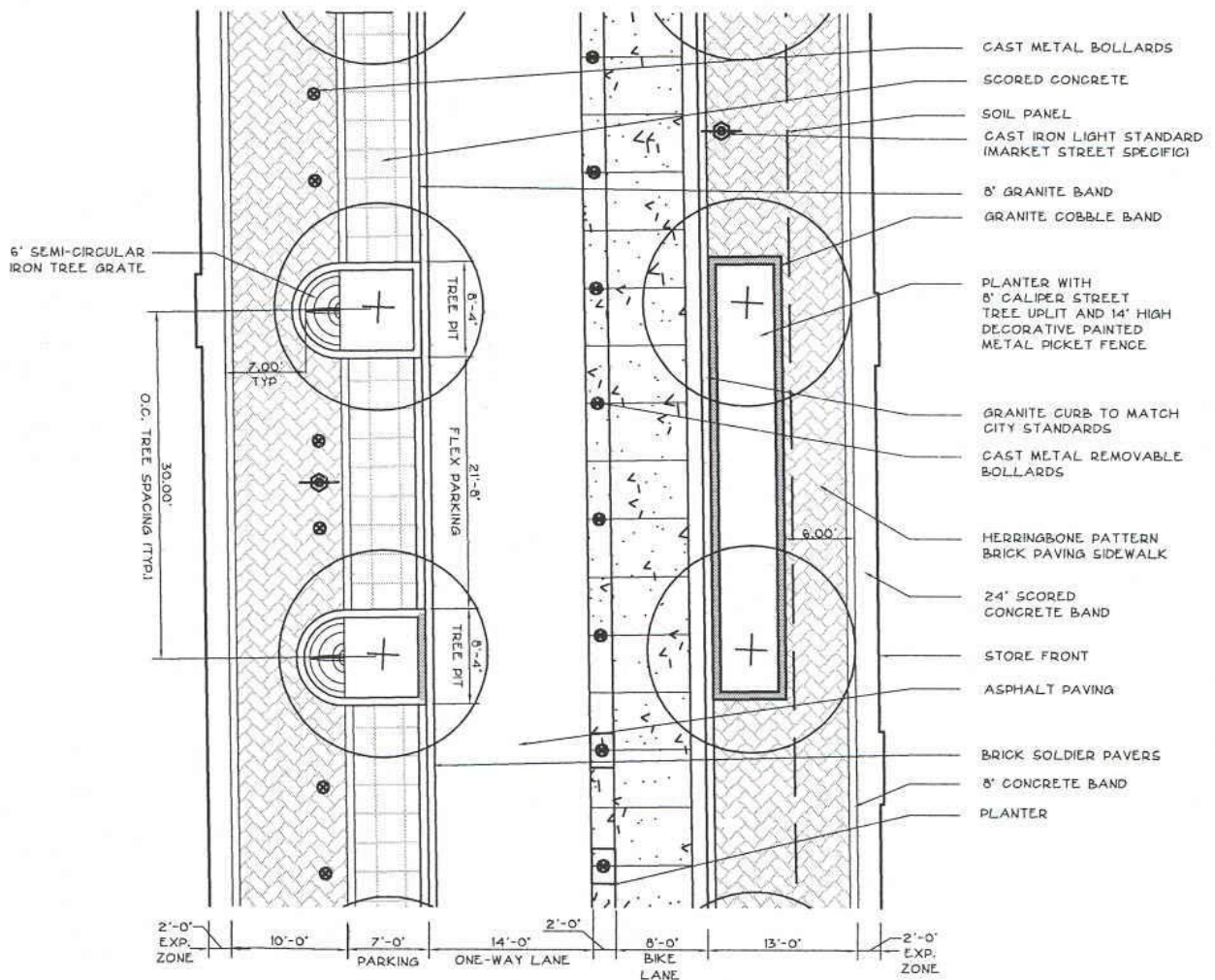
The sidewalks will consist of scored concrete, tumbled concrete pavers, and patterned brick. The curbing on “Market Street” and Maryland Avenue will be granite consistent with City standards. The details of each street treatment have been provided in the submitted plans. For both Maryland Avenue and “Market Street”, the public right-of-way will be from back of curb to back of curb. The pedestrian areas will remain in private ownership with a public access easement. This allows flexibility in the use of the sidewalk areas for outdoor cafes in the amenity zones and other possible commercial activities in the storefront expansion zone. It is expected that all of the sidewalk areas will be covered by a Commercial Management District (CMD) that will be responsible for all maintenance. The sidewalk details are shown in the attachments for the public improvements permit drawings.

The submitted plans show a number of areas where outdoor dining may be permitted (see drawing above). Several conditions on outdoor dining areas are recommended to maintain the ability for pedestrians to travel between on-street parking areas and sidewalks. These include: maintaining a 3-foot wide path every fourth parking space to access the sidewalk; and that no more than 70% of the maximum outdoor dining area be utilized at any one time.



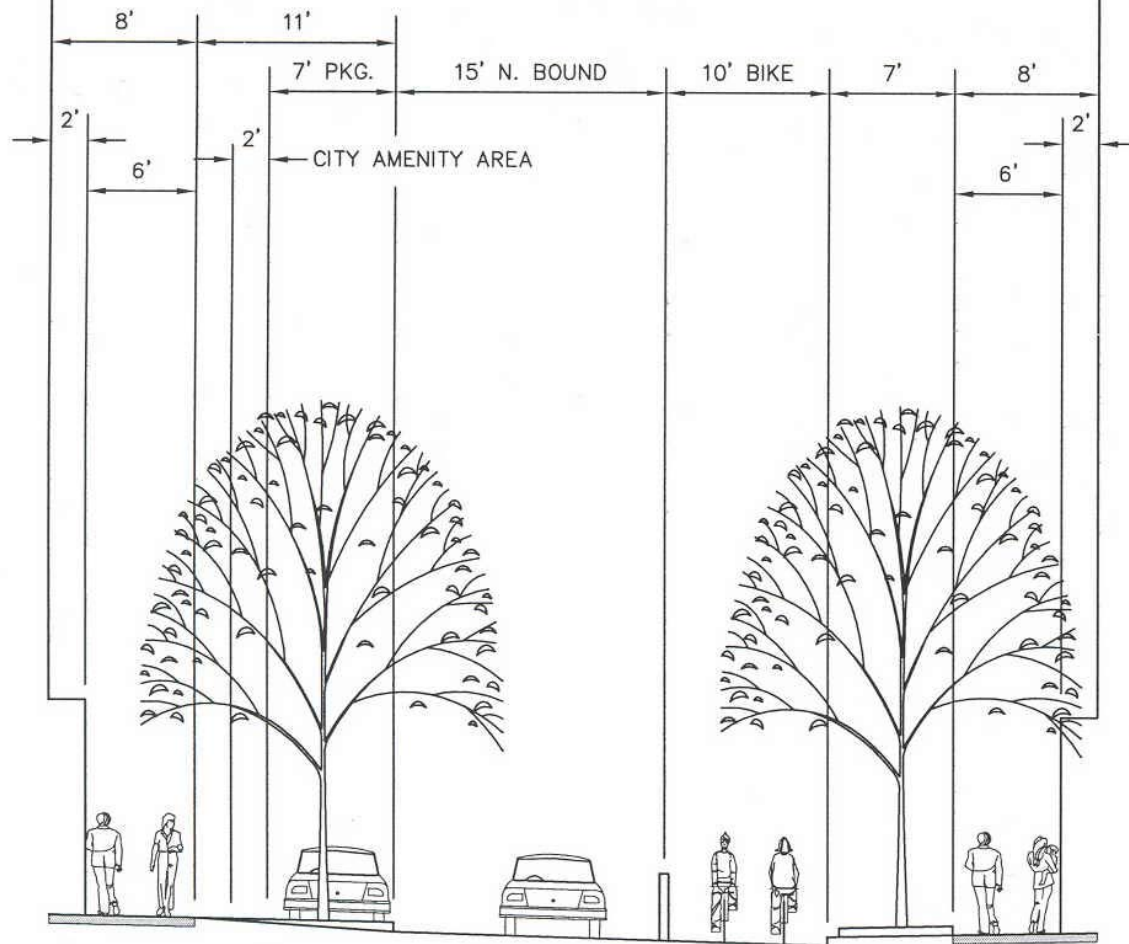
"Market Street"

The street referred to as "Market Street" will be a one-way northbound street. As such, the carriageway will be 14 feet wide plus a 10-foot wide, two-way bike lane on the east side of the street. The public right-of-way will be from back of curb to back of curb (26 feet wide). The sidewalks will remain in private ownership with public access easements. All private areas will be maintained by the CMD.



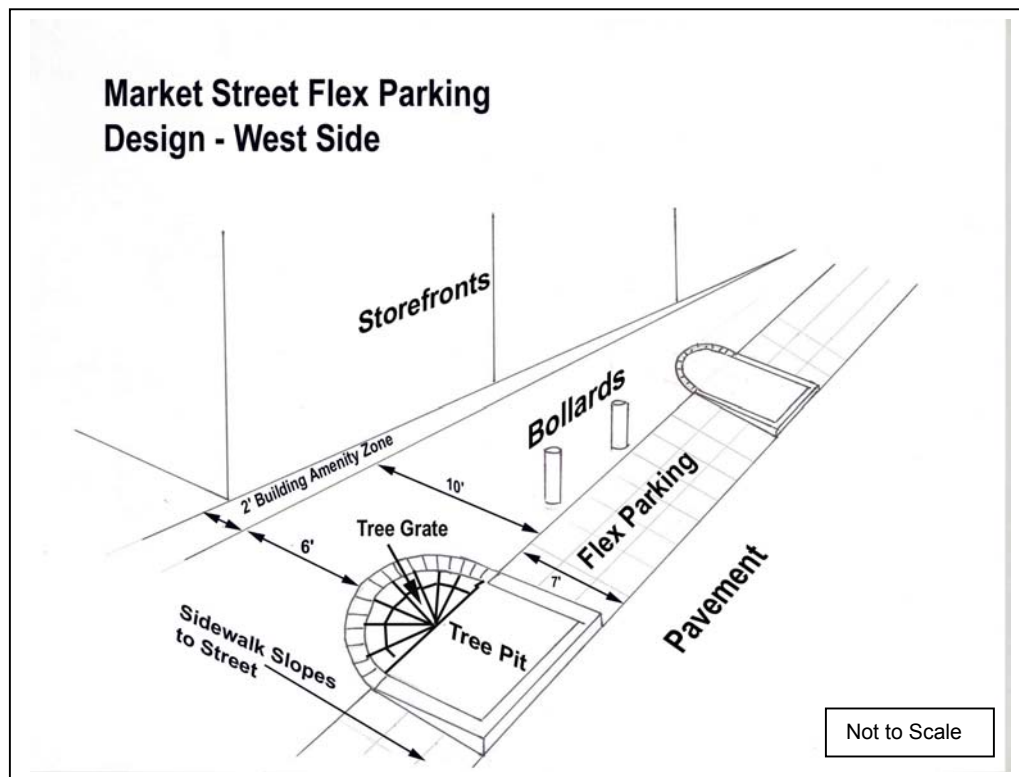
DETAIL #4 - MARKET STREET: TYPICAL

Scale: 1" = 8'



The bike lane and traffic lane will be separated by a series of bollards and planters, all of which may be removed for major events that will close the entire street. The bollard sleeves will be placed every 10 feet within the first two feet of the bike lanes adjacent to the carriageway. The intent is to intersperse the bollards with two foot by four-foot planters that are twenty-four inches tall. This will allow flexibility of design and spacing as demands dictate. In addition, the bikeway will be concrete, while the street surface will be asphalt, providing a further visual difference.

There will be on-street parking on the west side, with the spaces appearing as extensions of the sidewalk between the street trees. This “flex” parking system is intended to allow the extension of the shopping and dining activities up to the street. Since the parking spaces are within the private ownership area, some can be used for commercial activities such as outdoor dining. The overall design has the effect of expanding the sidewalk, making the pedestrian the dominant feature on the street. The formal sidewalk surface is proposed for a herringbone brick, while the flex spaces will be scored concrete. A half-round tree grate will be installed at the apex of the individual tree pits to expand the usable pedestrian area if a suitable grate and mounting bracket are available. Staff recommends that no more than five of the flex spaces be used for dining, with the remaining being available for parking. The following diagram illustrates the general arrangement of this “flex” area.



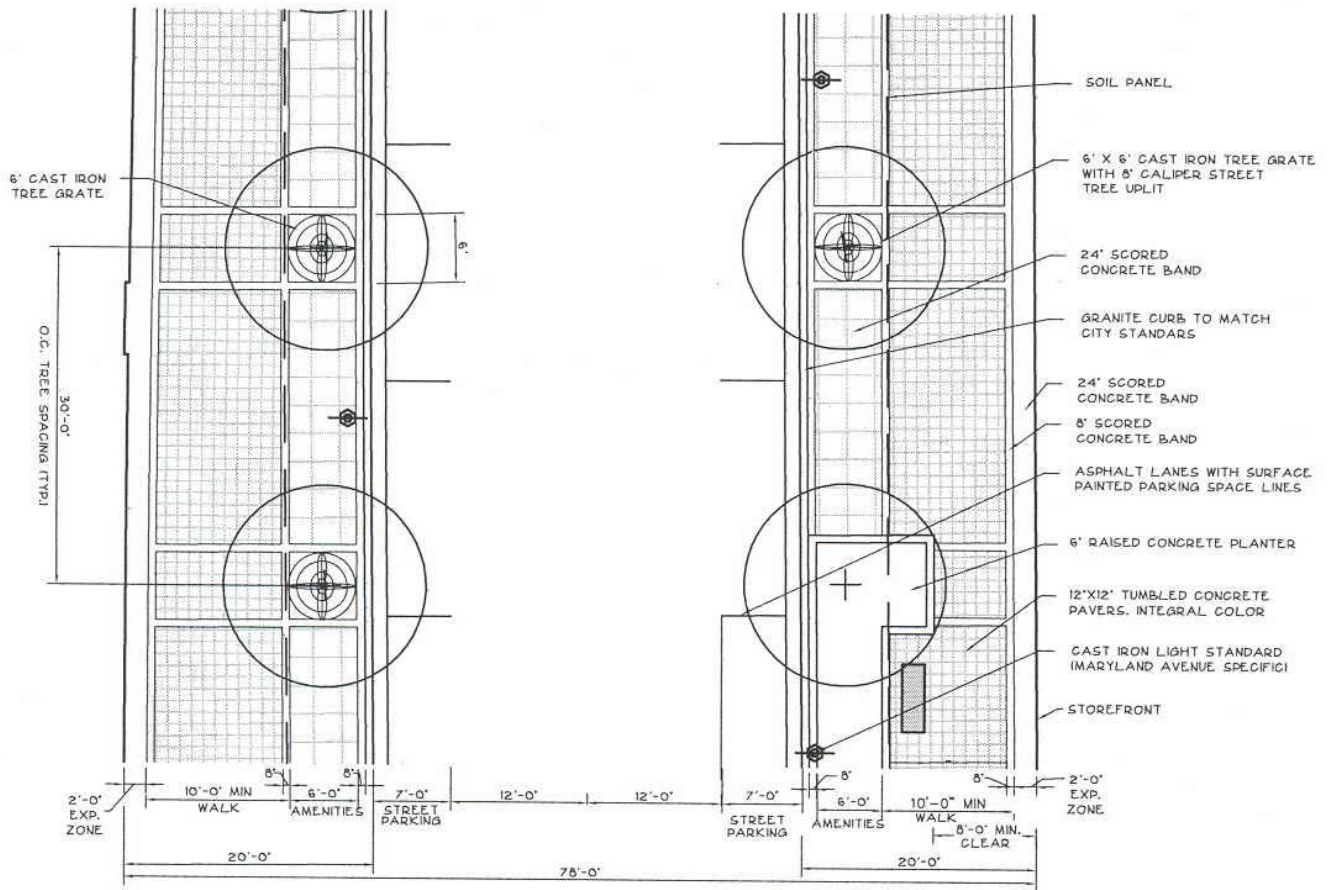
In addition, there should be bollard sleeves across “Market Street” just north of the garage entry to Block 3B and south of Beall Avenue to allow the street to be closed while allowing access to the garage. At the plaza location, the street surface will ramp up to the

same level as the plaza, and have a surface treatment that is an extension of the plaza, again to accommodate large events when the street is closed. Staff recommends that the name of this street be decided upon in the near future, so that it can be properly identified on the plats, building permits and for street address assignments. Section 25-742(b)(7) requires that the street names shall be established by the Planning Commission. Staff will provide suggested street names at a future meeting.

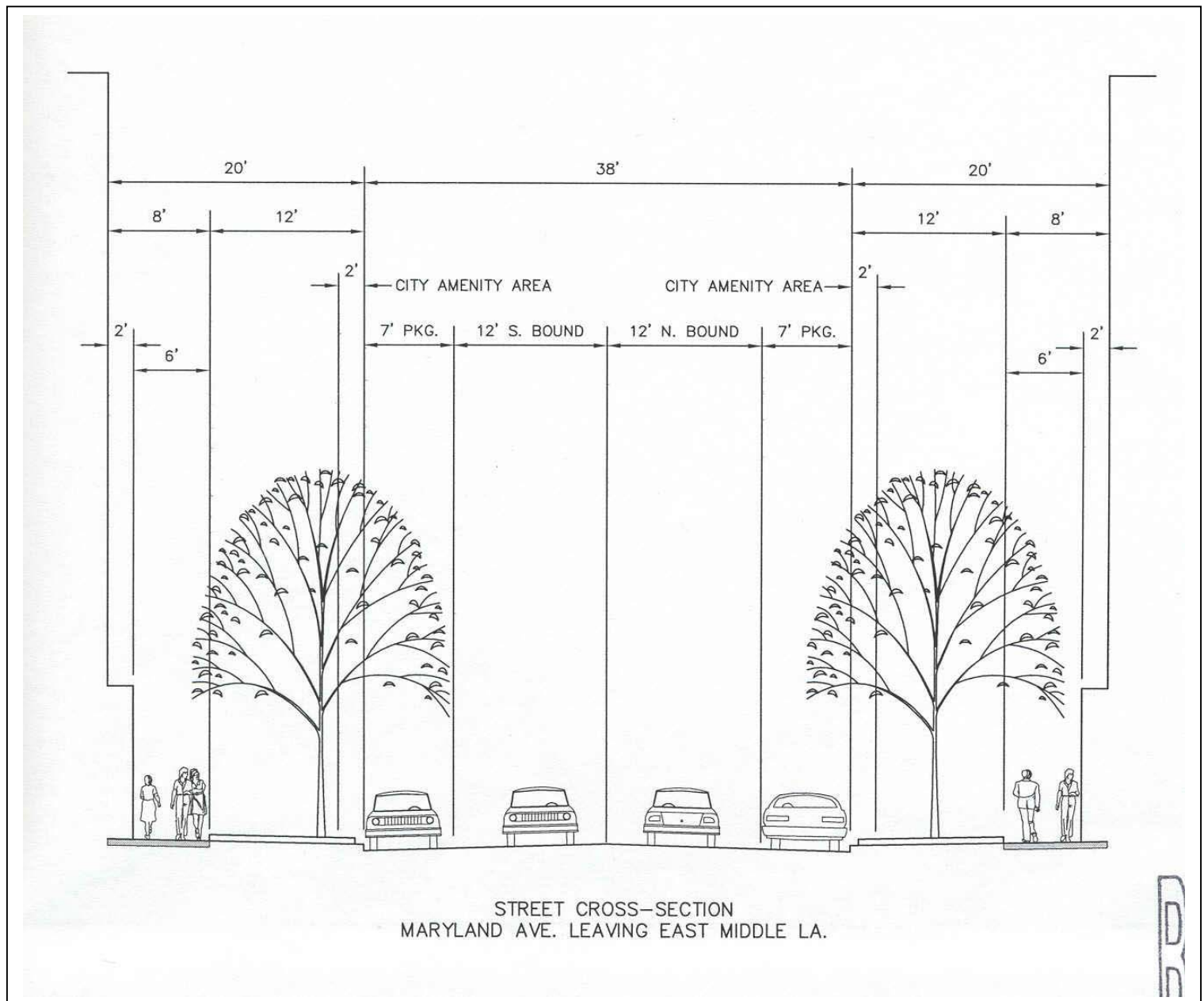
The street trees along this street are proposed to be Skyline Honey Locust. These will be about 6 inch or greater caliper and about 12 feet tall to provide an immediate impact on the character of the street.

Maryland Avenue

Maryland Avenue will be a two-way street, with a conventional curb-and-gutter design and asphalt surface. The public right-of-way will be from back of curb to back of curb, in this case 40 feet wide. As with "Market Street" the surface will ramp up at the plaza. The sidewalks, which will be on private property with public access easements, will be 12 inch x 12 inch tumbled concrete pavers with integral color, divided by concrete divider strips. The sidewalk along the library will include sinuous curves, to reflect the design of the library building. This will allow for small green pockets that can contain benches and some landscaping along the building wall. The street trees are proposed to be Allee' Elms. Consistent with "Market Street", these trees will be 6+ inches in caliper.



DETAIL #3 - MARYLAND AVENUE: TYPICAL
Scale: 1" = 8'

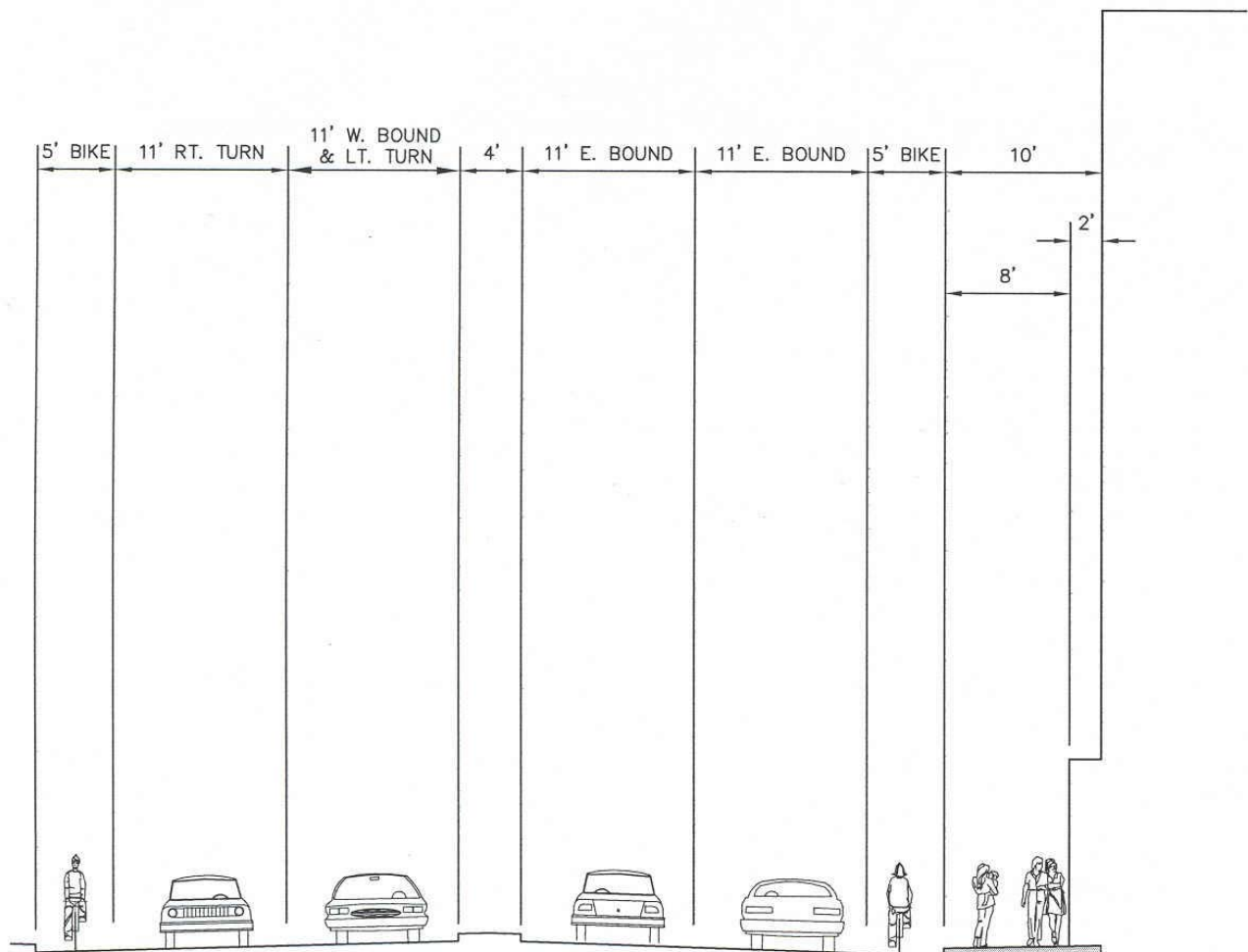


Beall Avenue

Between North Washington Street and Maryland Avenue, the sidewalk is at least six feet wide with a 7-foot tree lawn. In front of Block 4 the sidewalk is 10 feet wide but does not include street trees. The section of this street between Maryland Avenue and Hungerford Drive has insufficient right-of-way to accommodate the full 15-foot pedestrian amenity area recommended in the guidelines in the area between the proposed CVS drug store drive-thru entry and Hungerford Drive. In order to achieve the full 15-

foot pedestrian amenity area width, the footprint of the building on Block 4 would have to be reduced.

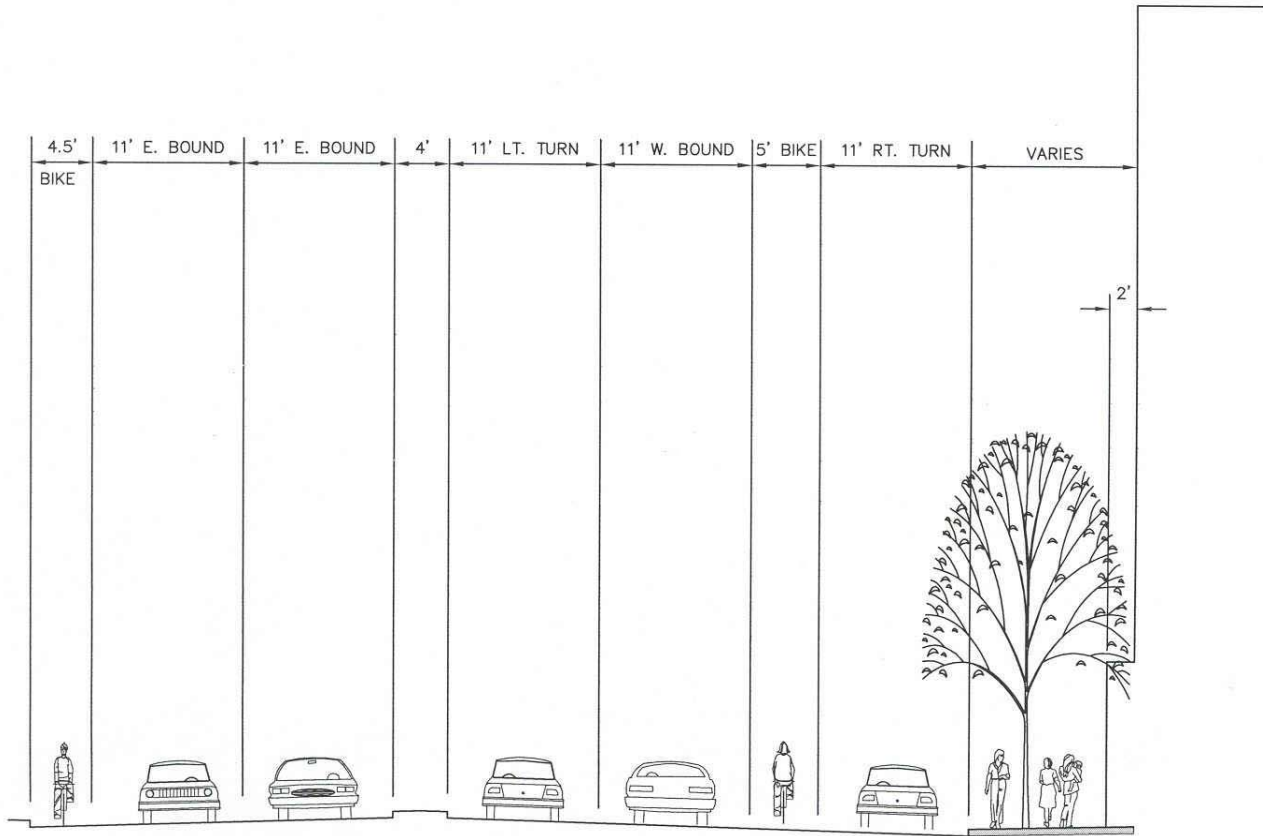
The applicant will also be required to improve Beall Avenue for its full width, including paving and medians. This is in conjunction with the relocation of the 16-inch water main below the street. The City and FRIT are examining the possibility of building Beall Avenue out to its full planned width.



STREET CROSS-SECTION
BEALL AVE. APPROACHING HUNGERFORD DR.

Middle Lane

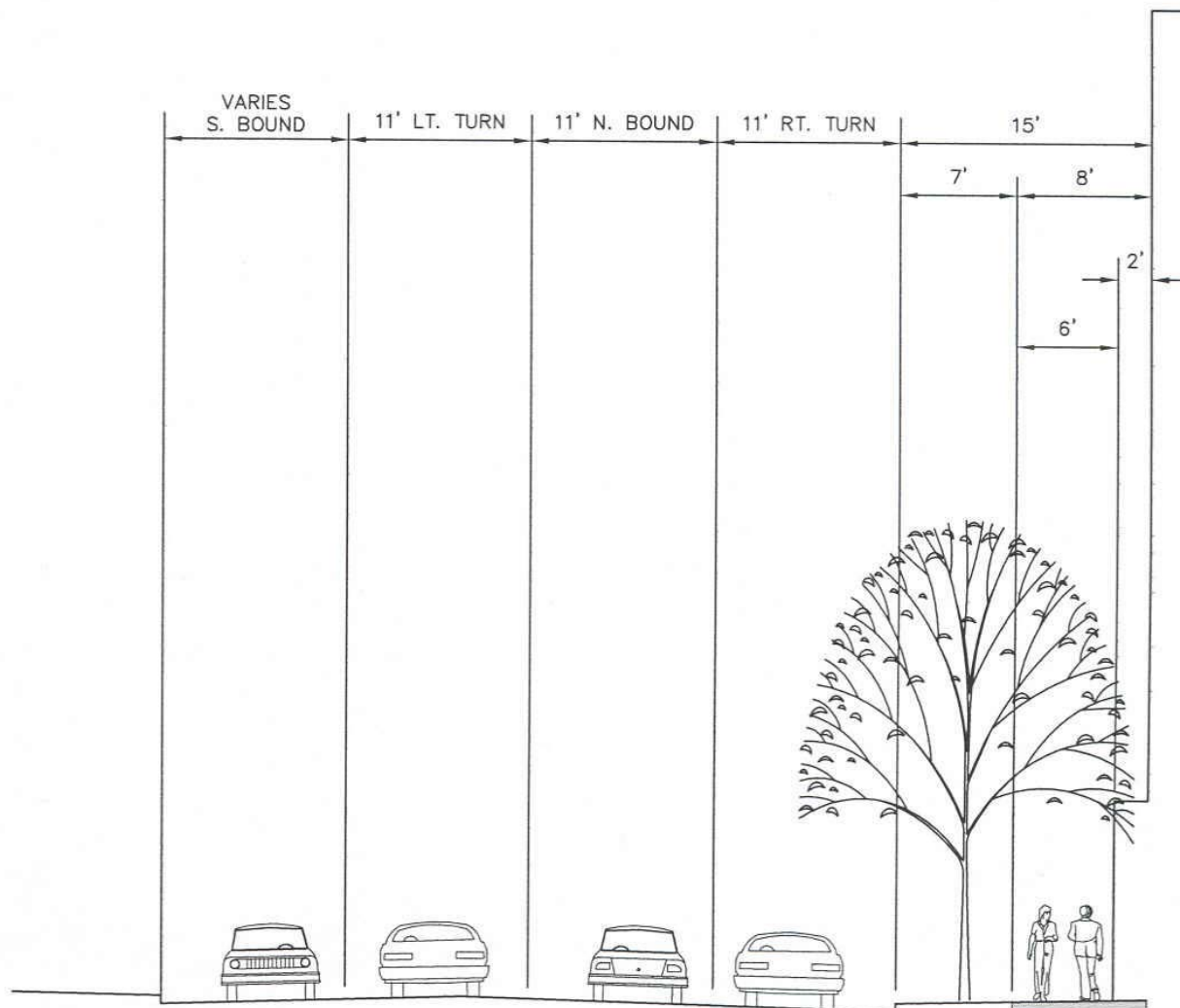
Middle Lane will be widened to 4 lanes with a median by moving the existing curb northward. The area between the new curb and proposed buildings ranges from 12 to 15 feet. In areas where the width is less than 15 feet, the outdoor dining areas will be reduced and the two-foot building expansion zone must remain clear to maintain a minimum 6-foot wide sidewalk between the buildings and the trees (including the tree grates). A building expansion zone can utilize the two additional feet as long as the 6-foot wide sidewalk is able to be maintained. The Block 5 frontage meets the 15-foot pedestrian area guideline.



STREET CROSS-SECTION
EAST MIDDLE LA. APPROACHING NORTH WASHINGTON ST.

North Washington Street

The right-of-way on the east side of North Washington Street will be regularized as part of the record plat process. The pedestrian area will conform to the 15-foot guideline. In order to provide maintenance, the right-of-way will be set at the back of the curb, putting the sidewalk and tree lawn/amenity area under private control, with maintenance provided by the CMD.



The following table specifies the minimum specifications for the streets in and around the development:

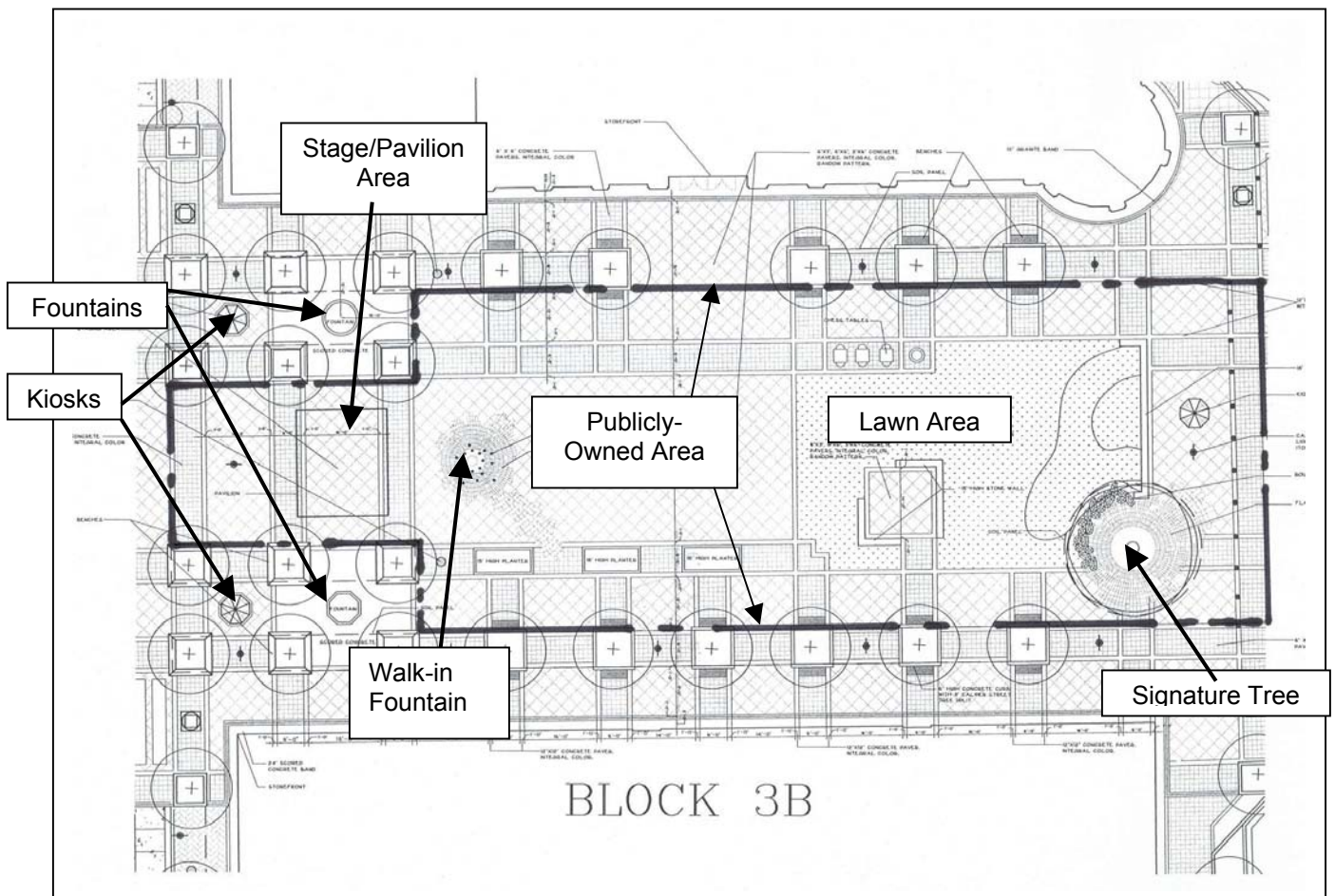
Table 1: Minimum Widths

Zone Block	Storefront Expansion	Pedestrian	Tree/Amenity/ Outdoor Café Seating	Buffer	Total	ROW
Beall Avenue bw. N. Washington and Maryland	2'	6'	7'	0	15'	Back of Curb
Beall Avenue bw. Maryland and MD 355	2'	8'	0	0	10'	Back of Curb
E. Middle bw. N. Washington and new street	0	6' (includes 1' overlap with Tree grate)	7 (includes 1' continuous, free of obstacles pedestrian area)	0	12	Back of Curb
E. Middle bw. New street and Maryland	0	6'	7'	0	13'	Back of Curb
E. Middle bw. Maryland and F.P.	2'	6'	7'	0	15'	Back of Curb
Maryland Ave (excluding portion adjacent to Library on west side of Maryland)	2'	9' (reduced to 6' at the n. end of Blk 4 at plaza, as shown on plan)	7'	2'	20' (17')	40' from back of curb to back of curb
Maryland Avenue adjacent to Library on west side of Maryland	As shown on plan	As shown on plan	As shown on plan	As shown on plan	As shown on plan	40' from back of curb to back of curb
New Street (west side)	2'	6'	7'	2'	17'	26' from back of curb to back of curb
New Street (east side)	2'	6'	7'	0	15'	26' from back of curb to back of curb
North Washington Street	2'	6'	7'	0	15'	Back of Curb

Town Plaza

The plaza is intended to be used for a variety of events. As such, a removable pavilion will be designed that can be installed at the west end. Tie-downs will be permanently installed in the pavement to support the pavilion when it is erected. The applicant also proposes installation of two permanent kiosks that would flank the pavilion location. In the middle, a jet fountain is proposed, wherein the nozzles are flush mounted below the surface and spray upwards for people to walk through. The surface treatment will be a combination of colored tumbled concrete pavers, scored concrete, and natural stone around the fountain. On the east half of the plaza, a lawn area is proposed. There will also be a sitting area in this location, and small tables along the north edge. The east end of the lawn area rises up 18 inches to a low wall that demarcates the east end. Next to the southeast corner of the lawn area will be the location of the signature tree.

The central portion of the public plaza will be in public ownership. This encompasses an area of about 77 feet by 235 feet, or 18,095 square feet. If the street areas on both ends are also included (as for major events that close both streets), the total usable area (77' x 329') is about 25,333 square feet, or about .58 acre. The figures do not include the areas next to the buildings that are to remain private. The building-to-building distance is 120 feet. If that is included in the total area, the size becomes 39,480 square feet, or .91 acre.



Street Trees and Forest Conservation

In general, the street trees will be planted in tree pits within the 7-foot tree lawn area.

These cantilevered tree pits are interconnected underneath the sidewalk surface to allow for much better water infiltration and root growth. This system has been successfully used in places such as Reston Town Center and Bethesda. For variety, each street will feature a different tree species. As currently proposed, Maryland Avenue will have Alees Elms, "Market Street" will have Skyline Honey Locusts, North Washington Street features Zelkovas, and Beall Avenue Katsura trees. Middle Lane will continue with the English Oaks that have already been planted along that street. As noted, the trees along Maryland Avenue and "Market Street" are proposed to be larger than typical new street trees and will be six to eight inch caliper, and as such will be about eight to twelve feet tall at planting.

Species have been selected for Town Square that are known to tolerate urban conditions. Factors such as size at maturity, form, proximity to buildings, insect and disease resistance, heat and drought resistance and urban pollution resistance were taken into account. Existing species on perimeter streets was also considered. Recommended tree species are subject to change based on availability at the size specified.

The trees along North Washington, Beall, and Middle Lane had originally been proposed to be about two to four inch caliper. With the inclusion of the full streetscape area in the CMD, larger trees on the perimeter streets are acceptable. Larger trees require more intensive maintenance to maintain vitality, and the CMD can provide this. Another item that needs to be considered is the size of the root ball. The larger trees have larger root balls, and care must be taken that they will fit within the tree pits at planting without damage.

The "signature tree" will be located in a special planting area at the southeast corner of the public plaza. The private applicant has recommended a 12-inch caliper Weeping Beech tree that it has identified. The tree will need to be covered by the CMD because it will take extensive maintenance to maintain this tree's viability over the long term.

Some street trees may need to be deleted in order to provide necessary fire protection access. It is possible that up to a dozen trees may be affected. However, the submitted plans do meet the minimum fire code criteria. The street trees will count towards the Forest Conservation Plan requirements. The final FCP, including a full landscaping plan for all of the blocks, must be approved prior to the issuance of public works permits.

Public Art

The City Code requires a minimum expenditure for publicly-accessible art in private development. The formula for computing this minimum expenditure is as follows:

Multi-family dwellings:	\$450 per d.u. for the first 100 units \$337 per d.u. for the next 100 units \$225 per d.u. for all units in excess of 200
Commercial development:	\$.30 per sq. ft. for the first 100,000 sq. ft. \$.23 per sq. ft. for the next 100,000 sq. ft. \$.15 per sq. ft. exceeding 200,000 sq. ft.

Based on the formula, the project will be required to contribute a minimum of \$303,297 for the provision of public art, in conformance with the provisions of Chapter 4 of the Code. The contributions/provision of art must be approved as part of the Use Permit approval process. This subject is brought up in this report for information purposes, since the public art will be distributed throughout the project. The fees will be calculated on each of the blocks, since they will be separate use permits. Sufficient funds have been allocated in the project budget to cover the required arts fees. The total fee is based on the calculations in the following chart:

	Multi-family			Total
Per 100 d.u.*	@\$450	@\$337	@\$225	
Block 1&2 – 191 d.u.	\$45,000	\$30,667	--	\$75,667
Block 3B – 119 d.u.	\$45,000	\$6,403	--	\$51,403
Block 4 – 92 d.u.	\$41,400	--	--	\$41,400
Block 5 – 126 d.u.	\$45,000	\$8,762	--	\$53,762
	Subtotal Residential			\$222,232
	Commercial			
Block 1&2 – 72,800 s.f.	\$21,840			\$21,840
Block 3B – 43,780 s.f.	\$13,134			\$13,134
Block 4 – 20,948	\$6,284			\$6,284
Block 5 – 35,291 s.f.	\$10,587			\$10,587
	Subtotal Commercial			\$51,845
	Grand Total			\$274,077

*15% MPDU reduction from total proposed units taken for each block

Staff Recommendation

The staff recommends approval of the Use Permit with the following conditions and modifications to the plans as shown on Exhibit “A”:

1. Submission, for the approval or processing by the Department of Public Works (DPW), of the following:
 - a. Water meters shall be placed adjacent to the right-of-way, outside of traffic areas. Preferred location would be within in islands or grass areas.
 - b. New easements must be executed prior to permit issuance.
 - c. Plans for the mill and overlay of public streets.

- d. Submission of a storm drain study.
 - e. Detailed engineering plans and computations for sediment control, storm drain and paving, storm water management, water and sewer, grade establishment, street lighting, signing and pavement markings and roadway improvements to Beall Avenue, East Middle Lane, North Washington Street, Maryland Avenue and the proposed new street. Maryland Avenue, plaza and public easement/driveway on block 5.
 - f. Submission, for approval by the City Attorney, of a storm water easement to be recorded among the Land Records of Montgomery County, Maryland.
2. Post bonds and obtain permits from Rockville Department of Public Works, Maryland Department of the Environment, Maryland State Highway Administration, and the Army Corps of Engineers as required.
 3. Plat(s) to be recorded prior to DPW permit issuance.
 4. All utility lines and transformers shall be underground or within buildings.
 5. Abandon 72-inch storm drain pipe adjacent to Foulger-Pratt building.
 6. A five-foot clearance shall be maintained between all underground utility pipes and buildings.
 7. Provide an easement for the 72-inch reinforced concrete pipe along MD 355 as necessary.
 8. Provide a SWM monetary contribution for quantity control per SWM concept approval dated May 29, 2003.
 9. Obtain all necessary approval and/or permits from the State for ground water and/or soil contamination mitigation. DPW shall not issue grading permits until State approval and/or permits have been obtained.
 10. Obtain Federal and State permits for areas within the stream and/or stream buffer in the vicinity of Block 4. DPW shall not issue permits to allow grading within the stream buffer.
 11. Safely convey the 100-year storm through the entire site and provide the 100-year flow path associated with proposed 72-inch reinforced concrete pipe.
 12. Prepare Flood Plain study as required.
 13. All utility boxes, meters, manhole covers and fire hydrants shall be coordinated with other streetscape accessories.
 14. Easements shall be required for all streets where public works structures/facilities are located outside of the right-of-way.
 15. No permanent structures to be located above the SWM facility located within the plaza except as may be approved by DPW. Access manholes/grates shall be located outside the grass area and within the hardscape area of the plaza where feasible.
 16. Provide adequate right of way (ROW) for public streets as follows: ROW on Beall Avenue and North Washington Street shall be at the back of curb per DPW requirements. ROW on Maryland Avenue shall be 40-feet (measured from back of curb to back of curb), ROW on new street shall be 26-feet (measured from the back of curb to back of curb). ROW at street intersections shall be truncated 25 feet as per Rockville City Code section 25-742.
 17. A Contribution of \$600,000 shall be made prior to building permit issuance. This contribution will be used towards transportation improvements within the Town Square or on roads that provide direct access to the Town Square as indicated in the PDP approval and as approved by DPW.
 18. Provide necessary intersection improvements/modifications on Town Square internal and perimeter streets, including signal modifications, future signal installation and other

- improvements/modifications as directed by DPW. The intersection of Beall Avenue and Maryland Avenue shall include provisions for a future traffic signal installation. A traffic signal at the intersection of East Middle Lane and Maryland Avenue shall be installed.
19. Continuous underground soil panels shall not be located in traffic or parking areas.
 20. Paving materials and specifications for streets, sidewalks, and the plaza area to be approved by DPW.
 21. The applicant will design the north side of Beall Avenue between North Washington Street and Maryland Avenue. DPW may require applicant to construct the northern half of Beall Avenue pending future developer contribution.
 22. Provide bike lanes on the new street, East Middle Lane and Beall Avenue as approved by DPW.
 23. Provide a minimum of 20 bicycle parking racks within the project as directed by DPW.
 24. Minimum pedestrian zones as outlined in Table 1 as per the Town Center Guidelines shall be continuous and free of obstacles (signs, chairs, tables, merchandise, etc.) at all times.
 25. The 2-foot buffer along Maryland Avenue adjacent to the curb shall be continuous and free of obstacles at all times.
 26. A maximum of 50% of the 2-foot storefront expansion zone in each block may be used for private use. The remaining 50% of the storefront expansion zone must remain free and clear at all times for pedestrian use.
 27. No permanent structures to be located within two feet of the travelway, as directed by DPW.
 28. No more than 70% of the outside dining area may be utilized at any one time.
 29. There must be a three-foot access way from the curb to the pedestrian zone at a minimum spacing of every 4 parking spaces as approved by DPW. This area must remain free of obstacles to allow access between parked cars and the pedestrian zone.
 30. Features located at intersections shall not impede minimum sight distance requirements.
 31. No use of the two-foot building expansion zone along North Washington Street except for public art or landscaping north of the storefront area at E. Middle Lane.
 32. Provide \$274,077 under the provisions of Chapter 4 of the City Code for provision of public art. Expenditures to be approved by the Director of Recreation and Parks.
 33. All locations of kiosks shall be approved by City staff.
 34. The Commercial Management District must be established prior to the issuance of building permits for Use Permit applications USE2003-00671, 672, 673 and 674.
 35. Approval of a Final Forest Conservation Plan (FCP) prior to the issuance of Public Works permits that must include on-site afforestation and significant tree replacement, forest conservation easement to cover entire site, forestry bond and extended maintenance and warranty period to cover the extended establishment period for large caliper trees. A comprehensive landscape plan shall be submitted as part of the FCP that shall include all proposed planting. The following additional conditions are required:
 - a. The Commercial Management District (CMD) must include provisions requiring periodic mulching under the tree grates and cutting away the grates as the trees grow.
 - b. Add trees to the medians on Beall Avenue and E. Middle Lane where feasible.
 - c. Adjust the spacing of street trees on Maryland Avenue next to the library so that trees are planted in the wide spots of the sinuous planting pits.
 - d. The proposed 12-inch Weeping Beech in the plaza will be maintained by the CMD and replaced if so determined by the City Forester for a period of 12 years.

Attachments:

1. PDP Approval Letter and Plan
2. Rendering of Town Square Project
3. Detailed Plans for Permit Approval